## SPECIFIC WAIVER COVER SHEET

## CALIFORNIA STATE BOARD OF EDUCATION MAY 2003 AGENDA Item No. W-12

TITLE: Request by Hart-Ransom Union School
District to waive Education Code (EC) 56362
(c), which allows the district to exceed the maximum caseload of 28 students (but not more than 32) for Resource Specialist Susan Mead assigned at Hart-Ransom School.

CDSIS: 35-2-2003

X ACTION
INFORMATION
PUBLIC HEARING
CONSENT

## **RECOMMENDATION:**

The Department recommends: Approval

Summary of Previous State Board of Education Discussion and Action: Both EC 56362 (c) and Title 5CCR 3100 allows the State Board of Education to approve waivers of Resource Specialists to exceed the maximum caseload of 28 students by not more than four students. However, there are very specific requirements in these regulations that must be met for approval, and if these requirements are not met, the waiver must be denied.

This particular waiver is recommended for action, since it has some special circumstances regarding one of the requirements, however the teacher still agrees with the waiver.

## **Summary of Key Issue(s):**

The **Hart-Ransom Union School District (HRUSD)** requests a waiver of EC 56362 (c). This law states that caseloads for Resource Specialists shall be stated in local policies developed pursuant to Section 56195.8 and in accordance with regulations established by the board.

The District states that it is unable to contract with adequate qualified RSP for a partial year contract. Additional transfer students who have recently enrolled in the district are the main reason for this waiver request. The district indicates that with the additional aide time of 6 hours will help maintain full IEP implementation and not hinder the services for all RSP students.

The RSP teacher did state that she had a caseload of 28 or more students during the 2001/02 school year but only for a short period of time (two weeks). Her average caseload during the 2001/02 was under 28. This would be a reason for denial, 5CCR 3100(c)(3) "The waiver does not result in the same resource specialist having a caseload in excess of the statutory minimums for more than two years"

However, the RSP teacher and the union both support the approval of the waiver, and the caseload appears to only be short term both in 2000/01 and in 2001/02. The district is not anticipating this to happen in the 2003/04 school year "due to declining enrollment the

indicates the caseload for the Resource Specialist will not exceed the maximum statutory limit of 28 students by more than four students.

Authority for the waiver: Education Code Section 56101, and Title 5CCR 3100

Bargaining unit(s) consulted on: 2/4/03
Position of bargaining unit (choose only one):

Neutral
Support
Name of bargaining unit representative: Sue Pirrone
Local board approval date: 2/13/03

Effective dates of request: February 2003 to June 2003.

Fiscal Analysis (as appropriate): No known fiscal impacts.

**Background Information:** Waiver request forms and supporting documents attached.

number of students in special education will significantly decrease". The waiver request